

REPORT
FROM



THE PERSONNEL
DEPARTMENT

TO: Honorable City Council	DATE April 10, 2019
REFERENCE: Council Motion (Martinez-Krekorian-Rodriguez)	COUNCIL FILE 17-1286-S1
SUBJECT: PREVENTING HARASSMENT AND DISCRIMINATION – WORKING GROUP REPORT	

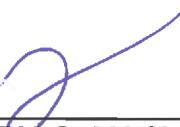
A Council motion (Martinez-Krekorian-Rodriguez) requested the Personnel Department to transmit the Harassment and Discrimination Working Group summary report to Council for review (Council File No. 17-1286-S1). This report is attached. Titled “Preventing Harassment and Discrimination: Recommendations to enhance the City of Los Angeles’ harassment and discrimination policies, processes, trainings, and technology,” it contains background, a summary of existing City programs, a brief description of programs in other organizations, a synopsis of academic research and best practices, recommendations, proposed metrics, and next steps.

This report was prepared to summarize the efforts and findings of the Harassment and Discrimination Working Group of the Mayor’s Risk Reduction Cabinet. The Working Group, comprised of over 50 City human resources (HR) subject matter experts and chief risk officers, was guided by the Mayor’s Office and the City Attorney’s Office and included the offices of Councilmember Krekorian and Councilmember Martinez.

The Harassment and Discrimination Working Group presented a draft of this report to leadership of the Risk Reduction Cabinet (the Mayor’s office, City Attorney’s office, and Councilmember Krekorian’s office) in July. Cabinet members requested additional information and specifically asked for feedback from all City departments. The Personnel Department circulated the draft report to all Department heads, and the report was updated to incorporate feedback accordingly.

During this time, while the report was being reviewed and updated, the following steps were taken to continue our forward momentum in this effort:

- On September 4, 2018, MyVoiceLA was launched in full - including an incident reporting and case management system.
- In October, the Mayor’s office, Personnel Department, and City Attorney began developing a draft of a comprehensive Citywide Harassment and Discrimination Free Workplace Policy that simplifies and consolidates more than a dozen existing harassment, discrimination, and retaliation policies and procedure documents, and incorporates acts of bullying and hazing to the greatest extent feasible.


WENDY G. MACY
General Manager

- Also in October 2018, staff from Mayor's office, Personnel Department, and the City Attorney's office met with staff of the County Equity Oversight Panel to observe and learn from the County's experience in implementing an independent review panel.
- On November 15, 2018, MyVoiceLA Version 3 launched an internal update to implement ongoing improvements to the web portal and case management system to make both easier to use.
- Most recently, the report was shared with our labor partners in anticipation of City Council consideration.

All of these efforts are ongoing. Even though we have continued to move forward to reflect updated laws and incorporate best practices where possible, the recommendations contained in the attached report are true to the original recommendations developed by the Working Group. For example, with the support of the Mayor and City Council, and funding in the Adopted Budget, the Personnel Department was able to implement the Centralized Intake Unit to triage, refer, investigate, and close cases in a timely manner. Nonetheless, the report contains a recommendation to implement a Centralized Intake Unit as a best practice. It is important to note that the recommendations have been made subject to consultation with our labor partners as appropriate:

These efforts, and the initiatives of the Working Group, will continue to make strides in ensuring the most respectful and supportive workplace possible for all City employees.

Preventing Harassment and Discrimination:

Recommendations to enhance the City of Los Angeles' harassment and discrimination policies, processes, trainings, and technology.

Developed by

The Harassment and Discrimination Working Group of the Mayor's Risk Reduction Cabinet, including approximately 50 partners from the following City entities:

Mayor's Office
City Council
Office of the City Attorney
Personnel Department

And

Department of Recreation and Parks

Department of Transportation

Los Angeles Fire Department

Los Angeles Police Department

General Services Department

Department of Water and Power

Department of Public Works,
Bureau of Sanitation

Office of the City Clerk

Commission on the Status of Women

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Executive Summary

The Harassment and Discrimination Working Group of the Mayor's Risk Reduction Cabinet (hereinafter called 'Working Group') was created in January 2018 and formalized by Executive Directive 23: Harassment and Discrimination. The Working Group spent six months researching best practices in preventing harassment and discrimination in the workplace and developing recommendations to enhance the City of Los Angeles' policies, processes, systems, and training in this area. Once drafted, the report was provided to Risk Reduction Cabinet leadership, then circulated among Department heads for feedback. This report outlines the research conducted, incorporates feedback received, and includes recommendations for action.

Research showed that the most effective methods for preventing incidents of harassment and discrimination include:

- Developing clear and accessible policies on employees' rights and responsibilities
- Implementing reliable and unbiased processes for investigating incidents in a thorough and timely manner
- Administering interactive, skills-based training programs that support a civil work environment
- Providing a variety of tools and systems that complement each other and are easy to use so employees may conveniently and effectively report incidents
- Communicating leadership's commitment to a workplace free of harassment and discrimination
- Establishing a culture in which employees have regular opportunities to discuss harassment and discrimination in connection to their work

The Working Group recommends the following key strategies for adoption:

- Create a comprehensive Citywide Harassment and Discrimination Free Workplace Policy that simplifies and consolidates existing harassment, discrimination, and retaliation policies, and addresses acts of bullying and hazing to the greatest extent feasible
- Establish an affirmative responsibility for supervisors to report all potential violations of the Harassment and Discrimination Free Workplace Policy to the Personnel Department
- Establish training and guidelines for supervisors to address harassing, discriminatory, and retaliatory conduct in the workplace
- Establish guidelines and criteria, and incorporate a protocol for referring complaints received by the Personnel Department to the appropriate entities for investigation
- Standardize the on-boarding process across all departments, including a strict requirement to document that new employees and volunteers have reviewed and understood the City's policies and procedures relating to harassment and discrimination
- Work with the Board of Civil Service Commissioners to include appropriate training modules as a requirement for completing the probationary period following an initial appointment to City service
- Develop a user-friendly reporting system that reduces barriers to reporting incidents

SECTION 1: Background

The City of Los Angeles (City) is one of the largest employers in Los Angeles County. In fiscal year 2017-18, the City was comprised of 58,297 full and part time employees, about 14,044 of whom are sworn public safety personnel. In fiscal year 2015-16, an estimated 47,544 individuals, including commissioners, interns, and part-time and seasonal volunteers donated their time to the City. In addition to being large, the workforce is incredibly diverse. *Attachment 1: Demographic and Job Types of City Personnel* shows a snapshot of the percentage of the City's workforce that falls into each racial, gender, and job type category.

The City's workforce also has diversity across a number of other categories. The City family includes employees, interns, volunteers, commissioners, and contractors who:

- Are of varying ages, from minors to older adults
- Have varying literacy and educational levels
- Represent many national origins and cultures
- Are non-native English speakers
- Live with a variety of disabilities
- Identify with and express genders from across the spectrum
- Are of varying sexual orientations

Many City employees work in public facing roles in communities across Los Angeles. The City has a responsibility to provide services to everyone, regardless of their demeanor towards City personnel and without infringing upon their First Amendment rights.

The Harassment and Discrimination Working Group was directed to develop and present recommendations for enhancing the City's policies, procedures, training, and systems related to harassment and discrimination including:

- Creating a streamlined process for staff to review, process and track incidents of harassment and discrimination received by the Personnel Department, including, but not limited to, the establishment of a Harassment and Discrimination intake unit within the Personnel Department's Equal Employment Opportunity (EEO) Division.
- Creating an independent review board comprised of impartial and experienced employment law and human resources experts that can be called upon to review certain complex or sensitive cases of harassment and discrimination, and provide recommendations.
- Developing policies and procedures that require supervisors to report and address harassing, discriminatory, and retaliatory conduct in the workplace (in collaboration with the Board of Civil Service Commissioners and employee representatives, where applicable).
- Formalizing the Personnel Department's policies that allow for the anonymous reporting of incidents of harassment and discrimination.
- Formalizing the Personnel Department's policies that allow for the reporting of all incidents of harassment and discrimination, regardless of the length of time that has elapsed since the incident occurred.

- Developing new, and updating and expanding all existing, in-person and online harassment, discrimination and retaliation trainings.

The Working Group was launched on January 17, 2018 and undertook the following activities over the course of six months:

- Developed an inventory of existing City of Los Angeles programs aimed at addressing harassment and discrimination
- Researched programs implemented in similar organizations
- Researched existing best practices
- Developed recommendations on enhancing the City's programs that incorporate these findings as appropriate and necessary

The Working Group was led by the Mayor's Office and the Personnel Department, advised by the Commission on the Status of Women and representatives from the City Attorney's Office and the Offices of Councilmembers Paul Krekorian and Nury Martinez. The Working Group was divided into four committees, each focusing on critical elements of addressing harassment and discrimination: policies, processes, training, and technology.

The initial draft of the report was submitted to the Risk Reduction Cabinet on July 24, 2018 and then to all Department heads on October 19, 2018 for review and feedback.

This report outlines the Working Group's actionable recommendations, research conducted, and applicable feedback. The aim of these recommendations is to ensure that the City provides comprehensive and effective harassment and discrimination policies, processes, training, and resources to all of its employees, contractors, active volunteers, and other members of the City workforce.

Where applicable, any new programs should be sensitive to potentially traumatic matters and evidence-based. The recommendations take into account the specific needs of City staff and barriers faced by all races, genders, sexual orientations, abilities, and ages in reporting harassment and discrimination.

SECTION 2: Existing City Programs

The City has varied and robust policies, processes, training materials, reporting systems and resources for employees relating to discrimination and harassment. Yet many of these governing documents, processes, and systems differ between the City departments due, in part, to distinct legal requirements for certain positions and nuances in workplace culture.

Training

Currently, onboarding procedures differ by department, section, job class, or sworn status of the employee. Many new full-time staff receive a hard copy packet of various employee benefits, rights and rules, including those pertaining to harassment and discrimination. The onboarding procedures for volunteers also vary and may be less comprehensive than those for paid employees.

A new online onboarding system is in development, with a pilot version expected to be rolled out in 2019. It will include trainings, forms, and resources related to key topics that new staff should be aware of. It can be customized by departments to include content that meets the specific needs of their staff. In the future, this will provide for a consistent onboarding process for most full-time, civilian staff.

Most City Personnel (civilian and sworn) have access to online training resources including courses on the following topics:

- Preventing Sexual Harassment (Non-supervisory level)
- Preventing Sexual Harassment (Supervisory Level)
- Equal Employment Opportunity Rights and Responsibilities
- Diversity

These trainings focus on defining harassment and discrimination, providing examples to illustrate prohibited behaviors, the duties, and rights of supervisors and non-supervisors in relation to harassment and discrimination, and the benefits of diversity in the workplace. The supervisory-level training fulfills the City's legal obligations under Assembly Bill (AB) 1825.

Various Departments, including the Los Angeles Fire Department (LAFD), Los Angeles Police Department (LAPD) and the Personnel Department provide in-person trainings that focus on defining harassment and discrimination, respect in the workplace, acceptable workplace conduct, disrespectful and unacceptable types of workplace behaviors, the importance of reporting, resources for staff, employees' responsibilities relating to preventing and responding to harassment and discrimination, supervisor and management responsibilities state and federal policies, procedures and laws, and how to comply.

Some of these trainings also provide opportunities for discussion, allowing staff to respond to the training and ask questions. These trainings are often prioritized for staff who work in the field, or do not have consistent access to work computers for online training.

LAPD currently contracts with Pepperdine University's School of Law to provide their command staff and supervisors with a four-day in-person training program focused on conflict resolution in the workplace. This training was developed by Pepperdine University and adapted to meet the unique needs of LAPD staff. It teaches staff to understand their own reactions to conflicts and develop the skills to effectively resolve disputes with colleagues.

Policies

It is the policy of the City of Los Angeles to promote and maintain an environment free from discrimination and harassment on the basis of any protected status under federal, state and local law, to prohibit retaliation for having filed or served as a witness in a discrimination complaint or otherwise opposed discrimination, and to take prompt and appropriate action to deter and punish discrimination and harassment.

Current City policies regarding harassment and discrimination are contained in the following:

- Los Angeles Administrative Code, Division 4, Chapter 7, Article 9 - Non-Discrimination in Employment
- Discrimination-Free Workplace Policy, City Council Resolution, adopted on February 12, 1992 and revised on October 1, 1999
- HIV and AIDS Discrimination in Employment Policy, Personnel Department Citywide Policy
- City AIDS Policy, City Ordinance, adopted on October 16, 1990
- Executive Directive PE-1, Equal Employment Opportunity, Non-Discrimination and Reasonable Accommodations (Hahn Series),
- Executive Directive 8, Zero Tolerance for Hazing of Fellow Employees (Villaraigosa Series)
- Executive Directive 12, Policy Against Discrimination in Employment based on Sexual Orientation, Gender Identity, or Gender Expression (Villaraigosa Series)
- Executive Directive 23, Harassment and Discrimination (Garcetti Series)

Processes

The current procedures for filing a report or complaint can be found in the following documents, which are currently available online at per.lacity.org:

- Discrimination Complaint Procedure
- Sexual Harassment Complaint Procedure
- Sexual Orientation Complaint Procedure
- Hazing Complaint Procedure
- HIV and AIDS Discrimination in City Employment Policy

In addition, an online reporting procedure can be found at myvoicela.org.

Complaints of sexual harassment may be filed with any or all of the following:

- A supervisor
- The Department's Sexual Harassment Counselor
- The Personnel Department's Sexual Harassment Counselor
- The City's Office of Discrimination Complaint Resolution
- Any external non-discrimination enforcement agency
- Online at MyVoiceLA.org

In December 2017, Mayor Garcetti directed each General Manager to report all incidents of sexual harassment involving an employee, customer, visitor, volunteer, or contractor to their department's human resources section. Further, department human resources managers have been asked to report all sexual harassment incidents in a timely manner to the Personnel Department, whether they are presented as formal complaints or not. Complaints of other forms of discrimination or harassment follow similar protocols.

If a City employee feels that they are experiencing harassment or discrimination they may be referred to the Employee and Family Assistance Program which includes confidential counseling, and referral services.

Prior to the efforts of the Working Group, complaints were to be filed within one year of the alleged incident(s). Otherwise, the complaint may have been considered untimely.

Once a complaint has been filed:

- The complainant will receive a written acknowledgement of the complaint receipt. The complainant is also notified about the time to file with an outside agency.
- The complainant will be contacted by an investigator to schedule a confidential conference to discuss the allegation(s) and requested remedy (or remedies). The complainant may be represented by any individual of their choice at any time during the investigation.
- All investigations will be as extensive as required, based upon the nature of the allegations, but should not be longer than one year. The complainant will be kept apprised of the investigation status on a regular basis by the individual investigating the complaint.
- All investigations will be handled with discretion, sensitivity, and due concern for the dignity of those involved. The investigator will draft a report on the investigation, which shall include findings on whether the allegations have been substantiated.
- Where appropriate disciplinary actions have been taken, the complainant may be so informed without disclosing the specific nature of the actions.
- If a General Manager is accused of harassment or discrimination, the advice of the City Attorney may be sought by the investigator. If an elected official is accused of harassment or discrimination, Article 9.5 of the Los Angeles Administrative Code outlines the process to be followed.

In accordance with Executive Directive 23: Harassment and Discrimination, and as authorized in the 2018-19 Adopted Budget, the Personnel Department launched a Harassment and Discrimination Intake Unit on July 1, 2018. This unit reviews and categorizes all complaints submitted to MyVoiceLA and refers them for appropriate investigation or follow up.

Technology

On April 30, 2018, the City launched a beta version of MyVoiceLA.org, an online resource portal and incident reporting system. This new system was designed by an in-house designer with expertise in experience design to complement the existing reporting mechanisms, and provide an end to end user friendly experience for individuals seeking more information on their rights and responsibilities, contact information, resources, and their options for reporting.

Subsequently, on September 4, 2018, MyVoiceLA was fully launched as an incident reporting and case management system. The launch of MyVoiceLA filled a critical gap in existing technology available for reporting and managing complaints. Prior to this launch, complainants could file reports in person, by fax, phone, or email. MyVoiceLA also offers a formal avenue for individuals to report anonymously.

SECTION 3: Programs in other Organizations

Policy and Processes

Personnel Department staff contacted several entities (City and County of San Francisco, Los Angeles County, City of Chicago, City of Houston, and City of New York) to learn about complaint intake, complaint processing, statutes for reporting, and disciplinary standards. The LAPD and LAFD also provided valuable information about their processes, as protocols used by sworn employees may include elements that can be used for future civilian processes. Finally, information about the new California Legislature process was incorporated. Research results are summarized in *Attachment 2: Other Organizations' Processes and Policies*.

Training

The Working Group conducted research into the training programs used by other government agencies. This research revealed that there is no widely held best practice in municipalities for delivering anti-harassment and discrimination training. Cities differed on their preferred delivery method, training topics, delivery schedules, and measures of effectiveness. Research results are summarized in *Attachment 3: Training Programs in Other Organizations*.

Technology

The Working Group met with industry leaders in implementing systems that allow for reporting of harassment and discrimination in order to learn best practices:

The Office of the Los Angeles County Counsel developed a reporting system for the Los Angeles County Sheriff's Department and rolled out to all LA County personnel in 2011. The system, named ELEVATE, has encouraged reporting of incidents with the following strategies:

- Centralized reporting and an unbiased investigation process
- User friendly platform, with neutral language, clear policies and resources that is accessible to staff 24/7 from any device

Callisto is a sexual assault reporting platform created for college students using trauma-informed practices to increase the chances that a survivor will report an incident. The platform enables survivors to create immediate, secure, and time-stamped records about their sexual assault. Survivors can help identify repeat offenders using *Callisto*'s matching function. This option allows survivors to store information about their perpetrators under the condition that it will only be released to the organization if another survivor names the same perpetrator. Survivors who visited the *Callisto* website were five times more likely to report their assault to their school or the police than survivors who did not.

AllVoices is an evolving online system that allows employers to subscribe to receive anonymous reports from employees of workplace harassment, discrimination, or bias. One feature of the system sends aggregated reports without any personally identifiable information to CEOs and company boards. The system lets individuals know when the company has received the report and when they have taken action. It gives employees a safe place to provide feedback to their organization's leadership; the option for corrective action to be taken without jeopardizing work relationships and options for reporting that don't involve litigation or press. Companies receive vital insights into the experiences of their employees and the ability to address issues before legal action is taken.

SECTION 4: Academic Research and Best Practices

Academic Research

The Working Group found that while there exists a body of knowledge around harassment and discrimination, including its effects and motivations, there is a lack of conclusive and systematic evidence based research into preventing harassment and discrimination. The following lays out the key findings of the reports and studies investigated by this Working Group.

In 2016, the EEOC released a report in which they researched harassment and discrimination training, processes and policies in the workplace and recommended best practices in this field. Their report presented the following best practices:

- Adopting well-crafted anti-harassment policies that are easy to understand and access
- Establishing anti-retaliation provisions
- Demonstrating that the organization takes harassment and discrimination seriously
- Ensuring trainees receive at least 4 hours of training
- Training is conducted face-to-face rather than online
- Training includes active participation with other trainees on interdependent tasks
- Training programs are conducted by a supervisor or external expert
- Demonstrating that trainees are themselves biased and how these biases can be overcome
- Training should include activities in which trainees adopt the perspective of a stigmatized co-worker, this can result in trainees experiencing more empathy and better attitudes and behaviors toward the stigmatized group
- Encouraging bystander reporting and interventions
- Offering civility training to complement traditional training programs including training or workshops on
 - developing a respectful workplace
 - giving and receiving constructive feedback
 - listening to complaints without being dismissive (for supervisory staff)
- Providing training programs in which trainees and their mentors or supervisors set specific, challenging and attainable goals about diversity and inclusion

A 2001 study "The Unexpected Effects of a Sexual Harassment Educational Program" found that while traditional training programs increased knowledge about what constituted sexual harassment, it could also result in men being less likely to report sexual harassment. This study also found that "sexual harassment laws and the organizational policies flowing from them were intended to reflect women's experiences".

The study recommended the following as topics that trainings should cover:

- Policies, facts about harassment and perceptions of harassment victim blaming
- Clear definitions with examples that reflect a variety of types of sexual harassment
- The reasons people may not report harassment (retaliation, fear, reputation)
- The benefits to individuals and teams of reporting incidents
- The perception that sexual behavior at work is benign or fun
- Concerns about false accusations

It may also be effective, according to their research to include training participants in developing new workplace rules and norms, in order to ensure buy in and changes in attitudes, values, skills, and ways of relating to each other.

Research was conducted into the way in which training programs may be more applicable to male audiences. The World Health Organization found that effectively designed “gender transformative” programs can change behavior and attitudes in men towards violence towards women and other gender-related topics. These programs seek to transform gender roles and promote more gender-equitable relationships between men and women. Such programs seek to critically reflect, question, or change institutional practices and broader social norms that create and reinforce gender inequality and vulnerability for men and women.

One in five EEOC complaints of sexual harassment are from men, often perpetrated by other men. Male-on-male harassment often occurs when men deviate from behaviors traditionally associated with men - for example taking paternity leave or engaging in feminist activism. Sexual harassment of men is underreported, often due to embarrassment or fear they won't be believed, according to an EEOC legal counsel advisor.

A *New York Times* article “Sexual Harassment Training Doesn’t Work. But Some Things Do” echoed much of this research, adding a few more recommendations:

- Organizations must create a culture in which women are treated as equals and employees treat one another with respect
- Training should be frequent, and the topic should come up in conversations about other things, from strategy to customer service
- Bystander training is effective and should provide options to colleagues on how to react to and diffuse incidents and how to be supportive of victims

Human resources consulting firm *Lindenberger Group* highlights the importance of the following:

- Communication from organizational leadership that reinforces that they value a workplace that is free of harassing, discriminating and retaliatory behaviors
- Training that provides realistic examples that employees can relate to and that reflect situations, power dynamics, and interactions that are likely to occur within their jobs and companies
- Training that is provided to as many employees as possible
- An environment that allows for learning and understanding - in which employees can ask questions about harassment and discrimination without fear of reprisal or judgment

The Fair Food Program aims to improve Florida field workers’ working conditions. The program includes various protocols and policies to prevent and address sexual assault and harassment in the workplace. They provide peer-to-peer training, in which individuals share personal stories with their colleagues to help increase understanding and reduce assault and harassment.

Surveys of City Staff

As part of the Working Group's research, two surveys were issued, one to all City personnel, and one to all Department heads, to receive feedback and suggestions on the City's existing sexual harassment processes and policies.

Responses from both surveys observed the need for the following:

- A process for receiving and processing allegations of harassment or discrimination that is consistent and clear
- A policy that is clearly communicated and uniformly applied
- A reporting mechanism that feels neutral and fair
- An investigation process external to the reporting party's employing department

Of the 4,205 City Personnel who responded to the all staff survey, 82% indicated that they would use a hotline, 73% would use an online reporting system, and 48% were interested in additional sexual harassment awareness and prevention training.

Survey participants expressed an overwhelming concern about retaliation for reporting an incident. As the working group continues to develop strategies to reduce and eliminate incidents of harassment and discrimination and foster a respectful and safe workplace, a key focus will be on easing concerns about reporting, and reducing the number of unreported incidents of harassment and discrimination.

Department Feedback

In addition to the surveys, Department heads were asked to provide feedback on the draft report and proposed recommendations. Overall, the report received a number of favorable comments from City departments. Comments have been incorporated into the body of the report where feasible. The Fire Department raised several questions that are still being addressed by the Personnel Department in conjunction with the City Attorney.

SECTION 5: Recommendations

It is, therefore, recommended that the Council, subject to the approval of the Mayor:

1. Reaffirm the Personnel Department's role as the lead agency for equal employment opportunity policy and complaint resolution, specifically as it relates to monitoring policy compliance and investigating and resolving complaints of discrimination, harassment, and retaliation;
2. Approve, and authorize the Personnel Department to undertake, the following actions, except as otherwise noted, subject to consultation with our labor partners as appropriate:

A. Policies

1. Update the City's Discrimination Free Workplace Policy Resolution with current protected bases and references to federal, state and local policies and submit to Council for adoption
2. Create a comprehensive Citywide Harassment and Discrimination Free Workplace Policy that simplifies and consolidates existing harassment, discrimination, and policies, addresses acts of bullying and hazing to the greatest extent feasible and ensures continued compliance with state and federal laws
3. Ensure all policies are written in clear, concise, and plain language
4. Consistent with the California Code of Regulations, establish an affirmative responsibility for supervisors to report all potential violations of the new Harassment and Discrimination Free Workplace Policy to the Personnel Department and to take appropriate action to correct and eliminate harassment and discrimination in the workplace
5. Incorporate into the Harassment and Discrimination Free Workplace Policy a provision that each Department head ensure supervisors report violations of this Policy and take appropriate action (counseling, retraining, or discipline) against any supervisor who fails to report policy violations
6. Develop a policy that provides for retraining or counseling of parties involved in incidents of harassment and discrimination where applicable and appropriate (for less severe or complex cases of harassment and discrimination)
7. Update disciplinary policies (Section 33, Policies of the Personnel Department) with supervisory standard for failure to report potential policy violations and guidelines for offense(s) and suggested action(s), subject to approval by the Board of Civil Service Commissioners
8. Develop strategies that encourage all employees to report potential violations of the Harassment and Discrimination Free Workplace Policy
9. Formalize policies that allow for the anonymous reporting of incidents of harassment and discrimination
10. Allow for the reporting of all incidents of harassment and discrimination, regardless of the length of time that has elapsed since the incident occurred
11. Ensure that the City's policies continue to be publicly accessible

B. Processes

1. Establish a centralized intake unit to receive and classify complaints of discrimination, harassment, retaliation and inappropriate conduct toward others, to include hazing, bullying and other workplace conflict
2. Establish guidelines and criteria, and incorporate a protocol, for referring complaints received by the Personnel Department centralized intake unit to entities for investigation
3. Establish guidelines for the centralized intake unit in closing out investigations of all incidents

4. Ensure a fair, neutral process by creating independent review panel(s) comprised of impartial members with expertise in HR practices and employment law who can be called upon to review certain complex or sensitive cases and provide recommendations
5. Establish guidelines for independent review panel(s) to include:
 - a. Authority, jurisdiction, and responsibility
 - b. Protocols for the referral and review of investigations and submission of recommendations to Department heads
 - c. Protocols to address cases where the Panel and Department heads disagree with the findings of an investigation and/or a recommendation for discipline
6. Establish guidelines for Department heads to include:
 - a. Protocols for interaction of Department head or designee with the panel
 - b. Guidelines for department response to panel recommendations
 - c. Protocols for reporting actions taken in response to panel recommendations
7. Standardize on-boarding processes across all departments; allow time for new employees and volunteers to review the City's policies; and require new employees and volunteers to confirm that they have read and understand the City's policies and procedures
8. Establish clear guidelines for supervisors and managers to report, including:
 - a. What to report
 - b. How to report
 - c. To whom reports should be submitted
 - d. Next steps
9. Develop clear expectations and toolkits for supervisors to use when responding to policy violations
10. Develop clear procedures for discipline relating to supervisory standard for failure to report potential policy violations along with guidelines for offense(s) and suggested action(s)
11. Establish standard timelines and protocols for responding to individuals who have submitted a complaint
12. Establish clear guidelines for the reporting of, investigation of, and response to incidents that fall outside of external agencies' legal statutes of limitations for reporting
13. Implement and use a case management system - system to be addressed by the Technology Committee of the Working Group
14. Where feasible, implement changes via a pilot program, to test recommendations before Citywide roll out
15. Standardize communications (forms and memos)
16. Ensure procedures are written in clear, concise, and plain language
17. Ensure transparency and accessibility – map out process via flowchart or similar mechanism and where possible make this information public

C. Training

1. In concert with the Department on Disability, ensure that City employees have access to a suite of Section 508-accessible online and in-person skills-based training curricula, that support the creation of a civil and inclusive work environment, covering at least some elements from the following topics:
 - a. Key skills required in effectively resolving interpersonal conflicts and intervening in incidents of harassment and discrimination
 - b. Retaliation prevention training

- c. City policies, and employee rights and responsibilities relating to harassment and discrimination
- d. Supervisory- and leadership-level responsibilities relating to harassment and discrimination
- 2. Develop a suite of 30 - 60 minute training modules to be taken over time, with the goal of establishing mandatory training requirements for all full-time and part-time City employees
- 3. Recommend to Department heads that they require specific training modules (not to exceed two hours) be completed by all employees as a condition of passing probation following their initial appointment to City service
- 4. Work with the Board of Civil Service Commissioners to include appropriate training modules as a minimum eligibility requirement for civil service examinations, including more extensive training modules for supervisory classifications
- 5. Ensure that all training records are consistently documented in the Citywide training platform as a risk management mitigation tool
- 6. Develop training materials for a variety of circumstances and on a variety of topics to make it easy for departments to customize them and roll them out to staff, including:
- 7. A toolbox of short and simple training curricula for supervisors to deliver during staff, tailgate, and roll call meetings
- 8. Regular email communications that can be sent by City leadership that include information on preventing and responding to incidents of harassment and discrimination, and on creating and maintaining a civil workplace
- 9. Content that is department and job specific; tailoring examples to meet a wide variety of work environments; and scenarios that speak to the highest liabilities the City incurs
- 10. Content that is easily understandable and appropriate to the varying literacy and language abilities of city employees, and where possible delivered in different formats and languages
- 11. Specific in-person and video trainings for part-time and volunteer staff who currently do not have access to the City's online training platform, with the aim of ensuring these staff have access to high quality training materials that meet their unique needs
- 12. Establish training and guidelines for supervisors to address harassing, discriminating, and retaliating conduct in the workplace
- 13. Where possible, make training videos and curriculum available for use by other organizations in order to make it easier for them to prevent harassment and discrimination in their own workplaces

D. Technology

- 1. Develop a user-friendly reporting system that reduces barriers to reporting incidents
- 2. Develop a resource hub for all staff to learn about their rights and responsibilities relating to harassment and discrimination
- 3. Develop a case management system that allows for timely and effective investigation and resolution of complaints
- 4. Where possible make the code for elements of MyVoiceLA.org open source, so that other organizations may use it to build their own reporting system and resource hub
- 5. Update MyVoiceLA to include the following elements:
 - a. Streamlined complaint form
 - b. Additional features and information on the website to incorporate department feedback
 - c. Updated back-end process that allows for improved complaint management
 - d. Supervisor and bystander reporting
- 6. Utilize the existing Personnel Department EEO phone number (213) 473-9100, which is listed on MyVoiceLA and is checked every week day, as the City's hotline

SECTION 6: Metrics

The Working Group recommends that the Personnel Department works with City departments and the Mayor's Office to collect the following metrics in order to measure program success:

Training Metrics

- Percent of staff trained by section
- Percent of staff trained by department

Policy and Processes Metrics

- Number of complaints by department
- Number of complaints investigated by departmental liaison
- Number of complaints investigated by EEO
- Number of complaints referred to panel of experts
- Average processing time for resolving investigations
- Department compliance with the City's policies and procedures
- Source of complaint report (employee, contractor, volunteer, citizen, other)
- Type of complaint
- Type of resolution

Technology

- Number of MyVoiceLA visitors
- Number of complaints
- User feedback
- Ease of use for administrators

SECTION 7: Next Steps

The Personnel Department in concert with the City Attorney will present a draft of the new Harassment and Discrimination Free Workplace Policy to the leadership of the Risk Reduction Cabinet for review.

The City Administrative Officer will consult with labor partners on the new Harassment and Discrimination Free Workplace Policy as appropriate.

The Working Group will launch a new version of MyVoiceLA including supervisor and bystander reporting options.

The Personnel Department will develop and update training programs for all staff and develop toolkits for supervisors and HR staff on how to appropriately respond to incidents of harassment and discrimination.

The Personnel Department will develop and launch an employee engagement campaign to ensure that employees and supervisors know their reporting options, rights, and responsibilities.

Key members of the Working Group will continue to meet to assess implementation progress and review the recommended metrics, evaluating efficacy and recommending changes, if necessary.

Under the guidance of the Risk Reduction Cabinet, key members of the Working Group will conduct further research on the following topics:

1. Best practices in providing training that effectively prevents retaliation against staff who report incidents of harassment or discrimination
2. Best practices in providing training that demonstrates the key benefits of and skills that support a civil work environment
3. Best practices in providing training that effectively deals with gender stereotypes and roles
4. Effective methods of ensuring employees and volunteers receive all appropriate trainings
5. The key components and benefits of a civility workplace policy
6. Further actions that may need to be taken to encourage reporting
7. Best practices in providing resources to individuals who feel they have been harassed or discriminated against

Annually, the Personnel Department will submit a report to the Mayor, the City Council, and the City Attorney to include:

- The number of incidents of harassment and discrimination reported, by department;
- The average processing time for resolving investigations;
- Departmental compliance with the City's harassment and discrimination policies and procedures;
- Status of the Personnel Department's implementation of new strategies to reduce and eliminate incidents

Attachment 1: Demographic and Job Types of City Personnel

These data were taken from City of Los Angeles Workforce Analysis Reports 7 and 7A from July 01, 2017 - June 30, 2018.

Equal Employment Opportunity Commission Job Types

<u>Job Category</u>	Number	Percent
Officials/Administrators	992	1.7%
Professionals	14,454	24.8%
Technicians	5,385	9.2%
Protective Services	11,502	19.7%
Paraprofessionals	1,751	3.0%
Administrative Support	8,305	14.2%
Skilled Craft	7,789	13.4%
Service/Maintenance	7,415	12.7%
Unknown	704	1.2%
Total	58,297	

Demographics

<u>Race</u>	Number	Percent	<u>Gender</u>	Number	Percent
White	15,658	26.9%	Male	38,363	65.8%
Black	9,453	16.2%	Female	18,009	30.9%
Hispanic	22,842	39.2%	Other	1,925	3.3%
Asian	5,787	9.9%	Total	58,297	
American Indian	172	0.3%			
Filipino	2,460	4.2%			
Other	1,925	3.3%			
Total	58,297				

Research on Other Agencies, LAFD, and LAPD's Harassment and Discrimination Complaint Processes									
Program Features	California Legislature*	San Francisco	LA County	Chicago	Houston	New York	LAFD	LAPD	
Complaints received by phone	not available	X	X	X	X	X	X	X	
Complaints received in writing (email/letter/fax)	not available	X	X	X	X	X	X	X	
Complaint Triage	not available	X	X	X	X	X	X	X	
Internal investigation or Referral to other Department	X	X	X	X	X	X	X	X	
Violations based on policies	X	X	X	X	X	X	X	X	
Supervisor has affirmative obligation to report or subject to discipline	not available	X	X	X	X	X	X	X	
Statute on reporting	not available	180 calendar days from the date of the last alleged act of discrimination or harassment	not available	retaliation: 1 year of the date of the action that is alleged to have been retaliatory discrimination/harassment; 1 year of the date of the last alleged act of discrimination or harassment	not available	discrimination/harassment: 1 year of the date of the last alleged act of discrimination or harassment	civilian - no statute sworn - two statutes: A. no more than 2 years from date of incident; and B. 1 year from date of report	civilian - no statute sworn - 1 year from date of report or date the department should have known	
Length of complaint process (from date filed)	not available	goal 1 year	goal 1 year	goal - 90 days actual - 1 year	not available	90 days	1 year	1 year	
Sample documents and letters that were developed to promote consistency in the complaint and investigative processes	not available	not available	X	not available	not available	X	not available	X	
May discipline conduct that violates this Policy even if the conduct does not violate a law prohibiting discrimination	not available	X	X	X	not available	X	X	X	
Employees have duty to cooperate with investigation or subject to discipline	not available	X	X	X	X	X	X	X	
Employees may be disciplined for knowingly making false accusations	not available	X	not available	X	not available	X	X	X	
Employees may be disciplined for providing false information in the course of an investigation	not available	X	X	X	X	X	X	X	
Hotline/helpline	not available	X	X		X				
EEO Division or other department Phone Number	not available			X		X	X		
Toll-free number	not available							X	

*Policy not available, research based on June 15, 2018 news article which describes what they expect their policy to include.

Attachment 3: Training Programs in Other Organizations

Agency	Approx # EEO Complaints (Calendar Yr)	Approx # of Employees Served	Depts, Bds and/or Commissions	EEO Training Methodology Used		Groups Trained and Regularity		Measuring Effectiveness of Training
				In Person	On-line	Supvs	Non-Supv	
City of Chicago	50 to 100	33,000	32	<input type="checkbox"/> Current method	To be implemented end of 2018. Developing in-house.	<input type="checkbox"/> (See Note)	<input type="checkbox"/> (See Note)	They request feedback on the training from attendees. Monitor individual department complaint trends; but they also expect an uptick in complaints once they present training.
NOTE FOR CITY OF CHICAGO: They provide in person training for both supervisors and non-supervisors. On occasion, they provide mixed audience (supervisors and non-supervisors) training. They do not have a timeline as to how often employees have to take it. They offer supervisor training at City Hall every other month that is open to every department. Every year they also target a few of the larger departments to train a substantial portion of their employees. Finally, some departments are required to do training as a result of EEO investigative findings. In those circumstances, the department has between three months to a year to comply.								

Agency	Approx # EEO Complaints (Calendar Yr)	Approx # of Employees Served	Depts, Bds and/or Commissions	EEO Training Methodology Used		Groups Trained and Regularity		Measuring Effectiveness of Training
				In Person	On-line	Supvs	Non-Supv	
City of Detroit	50 to 60	7,000	25	<input type="checkbox"/> Current method. Developed in-house. Only at time of new employee orientation	Currently exploring possibility.	N/A (See Note)	N/A (See Note)	Not currently measured.
NOTE FOR CITY OF DETROIT: There is no required completion of EEO training beyond new employee orientation. However, they will provide training upon request. The City of Detroit is seeking grant funding for development of a diversity and inclusion initiative similar to the City of New York. City of Detroit Police has its own EEO training cadre.								

Agency	Approx # EEO Complaints (Calendar Yr)	Approx # of Employees Served	Depts, Bds and/or Commissions	EEO Training Methodology Used		Groups Trained and Regularity		Measuring Effectiveness of Training
				In Person	On-line	Supvs	Non-Supv	
City of Detroit Police	50 to 75	3,000	N/A	<input type="checkbox"/> Current method. Developed in-house.	N/A	<input type="checkbox"/> Upon every promotion to a new supervisory position.	N/A Only at time of initial hiring and at time of promotion to supervisor.	Surveys and evaluations. Asks if the training met the attendees' objectives.

Agency	Approx # EEO Complaints (Calendar Yr)	Approx # of Employees Served	Depts, Bds and/or Commissions	EEO Training Methodology Used		Groups Trained and Regularity		Measuring Effectiveness of Training
				In Person	On-line	Supvs	Non-Supv	
City of Miami	40	4,500	47	<input type="checkbox"/> Current method. Developed in-house. Within 30 days of starting employment.	N/A	<input type="checkbox"/> Every 3 years	<input type="checkbox"/> Every 3 years	No longer employing surveys. However, the training includes a pre- and post- training exam. Managers are held accountable for their staff's compliance.

Agency	Approx # EEO Complaints (Calendar Yr)	Approx # of Employees Served	Depts, Bds and/or Commissions	EEO Training Methodology Used		Groups Trained and Regularity		Measuring Effectiveness of Training
				In Person	On-line	Supvs	Non-Supv	
City of New York	900+, but less than 1,000	150,000	41 Mayoral Agencies	<input type="checkbox"/> Agency's prerogative; generally for employee groups with no computer access. (See Note)	<input type="checkbox"/> (See Note)	<input type="checkbox"/> Every other year. (See Note)	<input type="checkbox"/> Every other year. (See Note)	Evaluations are requested at the conclusion of every on-line or in person training. Evaluation information used to tweak training in order to improve engagement.

NOTES FOR CITY OF NEW YORK:

*During in person presentations, the trainers will use the slides from the on-line training during their presentation. This is intended to ensure consistency on the message being delivered.

*Employs multiple vendors in the production of on-line training. Training covers EEO basics, which includes definitions of sexual harassment, unconscious bias training, diversity inclusion – “Everybody Matters,” and sexual harassment training (scheduled to roll out in early April 2018).

*All employees are expected to complete an EEO orientation within 30 days of being hired.

*All employees are required to complete additional diversity training during the year they are not scheduled to complete the mandated EEO training. Managers/supervisors held accountable for their staff's compliance.

Agency	Approx # EEO Complaints (Calendar Yr)	Approx # of Employees Served	Depts, Bds and/or Commissions	EEO Training Methodology Used		Groups Trained and Regularity		Measuring Effectiveness of Training
				In Person	On-line	Supvs	Non-Supv	
City of Philadelphia	“Full share”	28,000	15	<input type="checkbox"/> Current method. Developed in-house.	Exploring (See Note.)	<input type="checkbox"/> Every 3 years. (See Note)	<input type="checkbox"/> Every 3 years. (See Note)	Attendee feedback and appreciation, and course interaction and engagement.

NOTE FOR CITY OF PHILADELPHIA: Prior to 2018, only supervisors/managers were required to attend Sexual Harassment training with some exceptions: The Fire and Prisons

Departments always required newly hired Correctional Officers and Firefighters to attend Sexual Harassment training. This training is part of their orientation program. As of 2018, all employees are required to attend Sexual Harassment training and the period to renew training was changed from 5 to 3 years. Therefore, all new employees and newly promoted supervisors/managers will be required to take training upon being hired and/or promoted. In addition, the Police Department recently updated their training requirements for all executive level positions to annual training. Exploring online training so that all employees complete EEO training every three years.

They recently contracted with a learning management system to manage and record the completion of core course curriculums. A task force is developing the curriculum for individual employee classifications based on their primary responsibilities and role within the City of Philadelphia government.

Agency	Approx # EEO Complaints (Calendar Yr)	Approx # of Employees Served	Depts, Bds and/or Commissions	EEO Training Methodology Used		Groups Trained and Regularity		Measuring Effectiveness of Training
				In Person	On-line	Supvs	Non- Supv	
City of Phoenix	222	17,000	27	(See Note)	(See Note)	(See Note)	(See Note)	Not currently measured.
NOTE FOR CITY OF PHOENIX: The City of Phoenix does not provide EEO training to its employees, per se. They have a contract to present a civil treatment curriculum, where they would speak about conduct that might be illegal. But it is not identified as EEO training. Every new employee is required to complete this training.								

Agency	Approx # EEO Complaints (Calendar Yr)	Approx # of Employees Served	Depts, Bds and/or Commissions	EEO Training Methodology Used		Groups Trained and Regularity		Measuring Effectiveness of Training
				In Person	On-line	Supvs	Non- Supv	
Sacramento County	80-100	11,500	39	<input type="checkbox"/> Developed in-house. (See Note)	<input type="checkbox"/> Currently out to bid for new vendor.	<input type="checkbox"/> Every 2 years (See Note)	<input type="checkbox"/> Every 3 years (See Note)	Not currently measured.
NOTE FOR SACRAMENTO COUNTY: The majority of employees complete the training online. They offer a classroom version once a month that anyone can attend, and will accommodate a specific department's request for this training. These requests usually come from groups that do not normally work on computers such as Transportation, Waste Management and Water Resources. They provide the same training to everyone – found it easier and more cost effective to administer one program versus supervisory and non-supervisory.								

Agency	Approx # EEO Complaints (Calendar Yr)	Approx # of Employees Served	Depts, Bds and/or Commissions	EEO Training Methodology Used		Groups Trained and Regularity		Measuring Effectiveness of Training
				In Person	On-line	Supvs	Non-Supv	
San Francisco City and County	Unwilling to provide	34,000	55	<input type="checkbox"/> Upon request	<input type="checkbox"/> Developed by provider based on San Francisco's specifications.	<input type="checkbox"/> Every 2 years	N/A (See Note)	Not necessarily measured, per se. But they monitor the compliance rate for each individual department and upticks in complaint filings.

NOTE FOR SAN FRANCISCO CITY AND COUNTY: Departments may request that their non-supervisory employees complete the training. Currently exploring funding that would allow for all employees to complete EEO training every year. Training may also be presented on a one-on-one basis, e.g. as a form of education based discipline. A member of the EEO staff will sit with the accused and go through every slide of the online training to help them understand why their conduct was determined to be a violation. Efforts being made to address workplace cultures.

Agency	Approx # EEO Complaints (Calendar Yr)	Approx # of Employees Served	Depts, Bds and/or Commissions	EEO Training Methodology Used		Groups Trained and Regularity		Measuring Effectiveness of Training
				In Person	On-line	Supvs	Non-Supv	
City of Seattle	Unavailable	11,000	39	<input type="checkbox"/> Developed in-house. Presented during orientation. (See Note)	<input type="checkbox"/> (See Note)	N/A (See Note)	N/A (See Note)	Effectiveness not measured. However, compliance is measured and monitored through emails to supervisors and Human Resources. Managers are held accountable for their employees' completion of training mandates. They have recently implemented a new tracking system and a recent initiative allows for City management to withhold "merit days pay" from managers whose employees have failed to comply.

NOTE FOR CITY OF SEATTLE: Using a "blended approach," employees receive some information during their orientation, but they are also required to complete mandatory training on the following topics within 60 days of the start of their employment: anti-harassment, anti-discrimination, ethics and whistleblower, and privacy/security awareness. Their training goes beyond the general protected groups and includes characteristics such as obesity. They highly recommend to their newly appointed supervisors that they complete additional training, but it is not mandatory.